

Remarks

The claims have been amended. Claim 9 has been amended to more clearly set forth the subject matter of the present invention. Support for this amendment is found in the paragraph following the Field of the Invention.

Rejections under Section 103

Claims 9-20 are have been rejected as obvious under 35 U.S.C. §103(a) over U.S. Patent No. 3,940,917 to Strachan ("Strachan") in combination with U.S. Patent No. 5,896,634 to Brodowski et al. ("Brodowski").

Applicant respectfully submits that this rejection is obviated by the amendment of claim 9. The combination of Strachan with Brodowski fails to establish a *prima facie* case of obviousness because the references fail to disclose, teach or suggest every element of the present claims. Specifically, no reference discloses, teaches or suggests at least one elastomeric fiber forming a strand which is aligned adjacent and substantially parallel to at least one hard yarn to provide an aligned yarn wherein a size material not only adheres the elastic yarn to the hard yarn, but also covers the yarn.

Among the cited references, the Examiner has only cited Strachan as allegedly teaching a composite yarn having at least one elastomeric fiber forming a strand and at least one hard yarn wherein the hard yarn is aligned adjacent and substantially parallel to the strand to make an aligned yarn. Previously, Applicant's arguments have focused on the absence of Strachan teaching the substantially parallel alignment of the yarn. However, the more important distinction is that Strachan fails to disclose that the elastic yarn is adjacent to the hard yarn in the composite.

The significance of Strachan's entangled yarn is that it is a covered yarn. Covered yarns have been used in the past to protect the elastomeric yarn during knitting and weaving processes. Strachan provides an entangled yarn in which the elastomeric yarn is covered with a hard yarn, where the covering provides the attachment of the hard yarn to the elastomeric yarn.. This is distinguishable from the present invention wherein the hard yarn does not cover the elastomeric yarn, but is instead adjacent to the hard yarn and both adhered and covered by size. The adjacent placement of the elastomeric yarn in the present invention permits the yarn to move freely within a fabric after the size has been removed which results in a favorable fabric hand.

The yarn of Strachan does not provide a composite yarn having components which are aligned adjacent and substantially parallel to each other. To the contrary, the yarn of Strachan includes intermittent entangled zones throughout the length of the yarn. Strachan does not provide yarn having an elastic strand aligned with hard fibers because the yarn prepared by Strachan is entangled. Even though when the yarn of Strachan is in a load bearing position it appears that section of the yarn are "aligned," the elastomeric yarn is within the hard yarn, not adjacent to the hard yarn.

Strachan clearly provides no disclosure, teaching or suggestion of a composite yarn wherein the hard yarn and elastomeric strands have been linearly positioned with respect to each other to form an aligned yarn, as in the present invention. Moreover, Strachan points out that there is no need to fuse the fibers at Column 9, lines 40-41, which is the result of adding a size material in the present invention.

Brodowski provides no disclosure that overcomes the deficiency of Strachan in providing at least one elastomeric fiber forming a strand which is aligned adjacent and substantially parallel to at least one hard yarn to provide an aligned yarn. Furthermore, Brodowski is not properly combinable with Strachan given that Strachan teaches away from the addition of a size material. Accordingly, the combination of Strachan with Brodowski fails to establish a *prima facie* case of obviousness with respect to claims 9-20. Reconsideration and withdrawal of these rejections are, therefore, respectfully requested.

Claims 9-10 and 12-20 have been rejected as obvious under 35 U.S.C. §103(a) over U.S. Patent No. 3,940,917 to Strachan ("Strachan") in combination with Japanese Patent No. 4 733 754 to Nakatomi et al. ("Nakatomi"). Applicant respectfully submits that the amendment of claim 9 obviates this ground of rejection.

Nakatomi provides no disclosure that overcomes the deficiency of Strachan in providing at least one elastomeric fiber forming a strand which is aligned adjacent and substantially parallel to at least one hard yarn to provide an aligned yarn Strachan (as discussed above.) Furthermore, Nakatomi is not properly combinable with Strachan given that Strachan teaches away from the addition of a size material. Accordingly, the combination of Strachan with Nakatomi fails to establish a *prima facie* case of obviousness with respect to claims 9-10 and 12-20. Reconsideration and withdrawal of these rejections are, therefore, respectfully requested.

Claims 9-16 have been rejected as obvious under 35 U.S.C. §103(a) over U.S. Patent No. 3,940,917 to Strachan ("Strachan") in combination with U.S. Patent No. 3,719,664 to Hayes et al. ("Hayes"). Applicant respectfully submits that the amendment of claim 9 obviates this ground of rejection.

Hayes provides no disclosure that overcomes the deficiency of Strachan in providing at least one elastomeric fiber forming a strand which is aligned adjacent and substantially parallel to at least one hard yarn to provide an aligned yarn Strachan (as discussed above). Furthermore, Hayes is not properly combinable with Strachan given that Strachan teaches away from the addition of a size material. Accordingly, the combination of Strachan with Hayes fails to establish a *prima facie* case of obviousness with respect to claims 9-16. Reconsideration and withdrawal of these rejections are, therefore, respectfully requested.

Claims 13-20 have been rejected as obvious under 35 U.S.C. §103(a) over U.S. Patent No. 3,940,917 to Strachan ("Strachan") in combination with U.S. Patent No. 5,896,634 to Brodowski et al. ("Brodowski") and further in view of U.S. Patent No. 3,867,242 to Miller ("Miller"). Applicant respectfully submits that the amendment of claim 9 obviates this ground of rejection.

Miller provides no disclosure that overcomes the deficiencies of Strachan and Brodowski in providing at least one elastomeric fiber forming a strand which is aligned adjacent and substantially parallel to at least one hard yarn to provide an aligned yarn, as discussed under (I). Accordingly, the combination of Strachan and Brodowski with Miller fails to establish a *prima facie* case of obviousness with respect to claims 13-20. Reconsideration and withdrawal of these rejections are, therefore, respectfully requested.

Claims 13-20 have been rejected as obvious under 35 U.S.C. §103(a) over U.S. Patent No. 3,940,917 to Strachan ("Strachan") in combination with Japanese Patent No. 4 733 754 to Nakatomi et al. ("Nakatomi") and further in view of U.S. Patent No. 3,867,242 to Miller ("Miller"). Applicant respectfully submits that the amendment of claim 9 obviates this ground of rejection.

Miller provides no disclosure that overcomes the deficiencies of Strachan (as discussed under (I)) and Nakatomi in providing at least one elastomeric fiber forming a strand which is aligned adjacent and substantially parallel to at least one hard yarn to provide an aligned yarn, as discussed under (II). Accordingly, the combination of Strachan and

Nakatomi with Miller fails to establish a *prima facie* case of obviousness with respect to claims 13-20. Reconsideration and withdrawal of these rejections are, therefore, respectfully requested.

Claims 13-16 have been rejected as obvious under 35 U.S.C. §103(a) over U.S. Patent No. 3,940,917 to Strachan ("Strachan") in combination with U.S. Patent No. 3,719,664 to Hayes et al. ("Hayes") and further in view of U.S. Patent No. 3,867,242 to Miller ("Miller"). Applicant respectfully submits that the amendment of claim 9 obviates this ground of rejection.

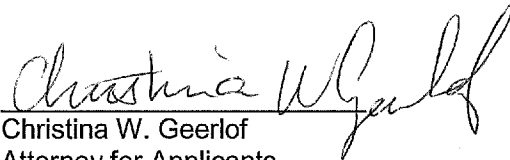
Miller provides no disclosure that overcomes the deficiencies of Strachan (as discussed under (I)) and Hayes in providing at least one elastomeric fiber forming a strand which is aligned adjacent and substantially parallel to at least one hard yarn to provide an aligned yarn, as discussed under (III). Accordingly, the combination of Strachan and Hayes with Miller fails to establish a *prima facie* case of obviousness with respect to claims 13-16. Reconsideration and withdrawal of these rejections are, therefore, respectfully requested.

Conclusion

For the reasons stated above, claims 9-20 are believed to be in condition for allowance. Accordingly, Applicant respectfully requests that the Application be allowed. If prosecution may be further advanced, the Examiner is invited to telephone the undersigned to discuss this application.

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Respectfully submitted,


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